

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

<b>In Re Application of:</b>	)	
	)	
<b>CARLOS VITERI,</b>	)	<b>NO. 08 - CV - 50031</b>
	)	
<b>Petitioner,</b>	)	<b>Judge Frederick J. Kapala</b>
	)	
<b>vs.</b>	)	
	)	
<b>GABRIELLA MARIA PFLUCKER,</b>	)	
	)	
<b>Respondent.</b>	)	

**AGREED MOTION TO SUSPEND FILING DEADLINE AND BRIEFING SCHEDULE  
FOR MOTION FOR SUMMARY JUDGEMENT**

THE PARTIES, through their undersigned counsels, respectfully move this Honorable Court suspend the filing deadline and briefing schedule for the Respondent's Motion For Summary Judgement. As grounds for this motion, undersigned counsels state:

1. The filing deadline for Respondent's Motion For Summary Judgement is Monday, June 2, 2008.
2. The Parties have reached an agreement in principle to settle this matter. The Parties are now negotiating the specific details of the settlement agreement.
3. Part of the terms of said potential settlement include the expenditure of funds to pay a mental health professional to evaluate the Respondent's fitness as a parent. The Respondent is willing to bear the costs of such an evaluation in place of, but not in addition to, the costs of additional ongoing litigation.
4. The Parties believe they will be able to present their settlement and motion to dismiss to

the Court on to before the status conference currently scheduled for June 26, 2008.

WHEREFORE, for the foregoing reasons, and for any other reasons this Court may deem just and proper, the Parties, through counsel, respectfully request that this Motion be granted and that this Court suspend the filing deadline and briefing schedule for the Respondent's Motion For Summary Judgement.

Respectfully Submitted:

Carlos Viteri, Petitioner

Gabriella Pflucker, Respondent

By: /S  
Rosa M. Tumialan  
Attorney for the Petitioner

/S  
Robert M. Fagan  
Attorney for the Respondent

Prepared by:

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**CERTIFICATE OF FILING AND SERVICE**

I, Robert M. Fagan, certify that on May 30, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the following document:

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FOR MOTION FOR SUMMARY JUDGEMENT

was served pursuant to the district court's ECF system as to ECF filers, including Rosa M. Tumialan, and was delivered to the following non-ECF filers by facsimile:

Hon. Frederick J. Kapala, Judge  
United States District Court  
Northern District of Illinois  
211 South Court Street  
Rockford, Illinois 61101

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/S  
ROBERT M. FAGAN  
Attorney for the Respondent